



General Assembly

February Session, 2016

Raised Bill No. 5289

LCO No. 493



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this
2 section:

3 (1) "Administration for Community Living" or "ACL" means the
4 organization created by the United States Department of Health and
5 Human Services to facilitate the independence, well-being and health
6 of adults sixty years of age and older, persons with disabilities of all
7 ages and their families and caregivers.

8 (2) "National Adult Maltreatment Reporting System" means the
9 national data reporting and collection system designed to provide
10 consistent, accurate national data on the exploitation and abuse of
11 adults sixty years of age and older and adults with disabilities, as
12 reported to state adult protective services departments nationwide.

13 (3) "Voluntary Consensus Guidelines for State Adult Protective

14 Services" means national guidelines developed by the ACL that state
15 adult protective services departments may adopt to respond to reports
16 of abuse, neglect, exploitation or abandonment.

17 (b) The Commissioner of Social Services shall develop a strategic
18 plan to (1) incorporate the ACL's Voluntary Consensus Guidelines for
19 State Adult Protective Services into protective services for adults sixty
20 years of age and older offered in the state, and (2) align state data
21 collection with the National Adult Maltreatment Reporting System.
22 Not later than July 1, 2017, the Commissioner of Social Services shall
23 submit the plan, that shall include, but need not be limited to,
24 recommendations for changes in state law, to the joint standing
25 committees of the General Assembly having cognizance of matters
26 relating to aging and human services.

27 Sec. 2. Section 17b-451 of the 2016 supplement to the general statutes
28 is amended by adding subsection (g) as follows (*Effective July 1, 2016*):

29 (NEW) (g) The Commissioner of Social Services shall develop an
30 educational training program to promote and encourage the accurate
31 and prompt identification and reporting of abuse, neglect, exploitation
32 and abandonment of elderly persons. Such training program shall be
33 made available on the Internet web site of the Department of Social
34 Services to mandated reporters and other interested persons. The
35 commissioner shall also make such training available in person or
36 otherwise at various times and locations throughout the state as
37 determined by the commissioner.

38 Sec. 3. Subsection (a) of section 17b-452 of the 2016 supplement to
39 the general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective July 1, 2016*):

41 (a) The commissioner, upon receiving a report that an elderly
42 person allegedly is being, or has been, abused, neglected, exploited or
43 abandoned, or is in need of protective services, shall investigate the
44 report to determine the condition of the elderly person and what

45 action and services, if any, are required. The investigation shall include
46 (1) an in-person visit to the named elderly person, (2) consultation with
47 those individuals having knowledge of the facts of the particular case,
48 and (3) an interview with the elderly person alone unless (A) the
49 elderly person refuses to consent to such interview, or (B) the
50 commissioner determines that such interview is not in the best
51 interests of the elderly person. If the commissioner determines that a
52 caregiver is interfering with the commissioner's ability to conduct an
53 interview alone with the elderly person, the commissioner may bring
54 an action in the Superior Court or Probate Court seeking an order
55 enjoining such caregiver from interfering with the commissioner's
56 ability to conduct an interview alone with the elderly person. In
57 investigating a report under this subsection, the commissioner may
58 subpoena witnesses, take testimony under oath and compel the
59 production of any necessary and relevant documents necessary to
60 investigate the allegations of abuse, neglect, exploitation or
61 abandonment. The commissioner may request the Attorney General to
62 petition the Superior Court for such order as may be appropriate to
63 enforce the provisions of this section. Upon completion of the
64 investigation, the commissioner shall prepare written findings that
65 shall include recommended action and a determination of whether
66 protective services are needed. Not later than thirty days after
67 completion of the investigation, the commissioner shall disclose, in
68 general terms, the result of the investigation to the person or persons
69 who reported the suspected abuse, neglect, exploitation or
70 abandonment, provided: (i) The information is not otherwise
71 privileged or confidential under state or federal law, (ii) the names of
72 witnesses or other persons interviewed are kept confidential, and (iii)
73 the names of the person or persons suspected to be responsible for the
74 abuse, neglect, exploitation or abandonment are not disclosed unless
75 such person or persons have been arrested as a result of the
76 investigation.

77 Sec. 4. Subsection (g) of section 17a-412 of the 2016 supplement to

78 the general statutes is repealed and the following is substituted in lieu
79 thereof (*Effective July 1, 2016*):

80 (g) The person filing a report or complaint pursuant to the
81 provisions of this section shall be notified in general terms of the
82 findings of any investigation conducted by the Commissioner of Social
83 Services [, upon request] not later than thirty days after the
84 investigation is completed, provided: (1) The information is not
85 otherwise privileged or confidential under state law, (2) the names of
86 witnesses or other persons interviewed are kept confidential, and (3)
87 the names of the person or persons suspected to be responsible for the
88 abuse, neglect, exploitation or abandonment are not disclosed unless
89 such person or persons have been arrested as a result of the
90 investigation.

91 Sec. 5. (*Effective July 1, 2016*) The Commission on Aging shall
92 complete a comprehensive evaluation of the state's protective services
93 system for elderly persons and make recommendations concerning
94 whether the state should adopt a protective services system serving
95 persons eighteen years of age and older. The evaluation shall include:
96 (1) An overview of the current protective services structure in the state;
97 (2) identification of any gaps within the current system; (3) if
98 recommended, a description of the need for a protective services
99 system for persons eighteen years of age and older; (4) a description of
100 protective services models in other states; and (5) overall capacity of
101 the current system to meet present and future needs. The legislative
102 Commission on Aging shall report its findings to the joint standing
103 committees of the General Assembly having cognizance of matters
104 relating to aging and human services not later than October 1, 2017.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	17b-451
Sec. 3	<i>July 1, 2016</i>	17b-452(a)

Sec. 4	<i>July 1, 2016</i>	17a-412(g)
Sec. 5	<i>July 1, 2016</i>	New section

Statement of Purpose:

To improve protective services for vulnerable persons in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]